IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL W.P.NO.445 OF 2004

Mr.Samir D.Sarvaiya ..Petitioner

Vs.

State of Maharashtra & Anrs...Respondents

...

Ms.Sonal for A.K.Bakshi Advocate for Petitioner
Mr.B.H.Mehta A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 24, 2005

P.C.

1. Heard the learned advocate for the petitioner and the learned A.P.P. for the State.

2. The petitioner is seeking quashing of Complaint i.e. C.C.No. 186/S/1997 which is pending before the learned Metropolitan Magistrate, 37th Court at Esplanade, Mumbai. In the said case, process has been issued against the petitioner under Section 138 r.w. 141 of Negotiable Instruments Act. The learned advocate for the petitioner states that as on today, the said complaint has been dismissed for

default, and hence, as such this petition would not survive. However, the learned advocate for the petitioner seeks liberty to adopt appropriate proceedings before proper forum in case the said complaint is restored to file. Liberty as prayed for is granted.

3. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]